case, therefore, seems correct in admitting the testimony, and a recent Kentucky case to the same effect now makes it in accord with the weight of authority. *North River Ins. Co.* v. *Walker*, 170 S. W. 983 (Ky.).

EXTRADITION — INTERSTATE EXTRADITION UNDER THE UNITED STATES CONSTITUTION — *HABEAS CORPUS* PROCEEDINGS RAISING THE DEFENSE OF INSANITY. — A prisoner who had been acquitted of homicide in New York upon the ground of insanity escaped from an asylum to which he had been committed under statutory authority and fled to New Hampshire. He was there arrested for extradition to New York in compliance with a demand based upon an indictment for conspiracy to pervert and obstruct the due administration of the laws of New York. The fugitive sued out a writ of *habeas corpus* in the federal court to test the legality of his arrest. *Held*, that he should not be released. *Drew* v. *Thaw*, 235 U. S. 432.

A person accused of crime in another state may lawfully be arrested for extradition if, as was plainly the case here, he is a fugitive from the demanding state, and if the demand for his return is accompanied by a duly certified indictment or affidavit, which substantially charges him with the commission of a crime. U. S. CONST., Art. 4, § 2; U. S. REV. STAT., § 5278. And see *Roberts* v. *Reilly*, 116 U. S. 80, 95, 97. Whether a crime is charged is a question of the law of the demanding state, which is open to inquiry upon *habeas corpus* proceedings. *In re Renshaw*, 18 S. D. 32, 99 N. W. 83. See *Pierce* v. *Creecy*, 210 U. S. 387. And *cf. Kentucky* v. *Dennison*, 24 How. (U. S.) 66, 103. But the technical sufficiency of the indictment as a criminal pleading is immaterial. *Ex parte Reggel*, 114 U. S. 642; *Davis's Case*, 122 Mass. 324. Furthermore, the guilt or innocence of the prisoner is not in issue, and any defenses he might offer at his trial are to be disregarded, unless they negative a *primâ facie* charge of crime. *Pierce* v. *Creecy*, *supra*; *Ex parte Hart*, 59 Fed. 894; *Commonwealth* v. *Supt. of Prison*, 220 Pa. St. 401, 69 Atl. 916; and see cases collected in 21 L. R. A. N. S. 939. Under the laws of New York, a conspiracy to escape from confinement in an asylum under the circumstances of the principal case is plainly criminal. CODE OF CRIM. PROC., § 454; CONSOL. LAWS, N. Y. PENAL LAW, § 580, subd. 6. Hence, the indictment substantially charged a crime, and the court properly refused to consider the possible defense of insanity. It is gratifying that the curiously misconceived opinion of the law advanced by the District Court is thus authoritatively corrected. See *Ex parte Thaw*, 214 Fed. 423.

GIFTS — GIFTS *MORTIS CAUSA* — DELIVERY BY DONOR WHO HAS HOPE OF RECOVERY. — The donor had tuberculosis, and upon leaving for a sanitarium where he hoped to be cured, gave his savings bank book to his physician to give to the donor's sister in case the donor should die. As a matter of fact the donor had practically no chance of recovery, and eleven months later died. The sister now seeks to recover the deposit from the bank. *Held*, that the plaintiff cannot recover, on the ground that the gift was not made in apprehension of death. *Danzinger* v. *Seamen's Bank for Savings*, 86 N. Y. Misc. 316, 149 N. Y. Supp. 207.

The handing over of a savings bank book is a sufficient delivery for a gift *mortis causa*. *Tillinghast* v. *Wheaton*, 8 R. I. 536. However, it is essential to such a gift that it should be made under a definite apprehension of death, caused by some existing disease or peril. *Taylor* v. *Harmison*, 79 Ill. App. 380; *Gourley* v. *Linsenbigler*, 51 Pa. 345. But it is not necessary that the donor should have given up all hope of life, or that he should die within any fixed time after the making of the gift. *Grymes* v. *Hone*, 49 N. Y. 17; *Williams* v. *Guile*, 117 N. Y. 343; *Nicholas* v. *Adams*, 2 Whart. (Pa.) 17. In